

FAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Juan Arturo Ortuno-Ocampo
aka: Alberto Vergara**

Defendant.

Magistrate Case No.

'08 MJ 1402

COMPLAINT FOR VIOLATION OF:

**Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States**

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KNH

The undersigned complainant, being duly sworn, states:

On or about **October 1, 2007**, within the Southern District of California, defendant, **Juan Arturo Ortuno-Ocampo**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent,
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF May 2008.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Immigration and Customs Enforcement (ICE) Deportation Officer Jesus Robles, declare under penalty of perjury the following to be true and correct:

On October 1, 2007, the defendant, **Juan Arturo ORTURNO-Ocampo**, (aka: Alberto VERGARA), was arrested by the San Diego Sheriff's Department for violation of Penal Code 496(d) "ATTEMPT TO COMMIT: POSSESS STOLEN PROPERTY" and booked into San Diego Jail as Alberto VERGARA. An Immigration Enforcement Agent determined defendant to be a citizen of Mexico and placed a Form I-247 (Immigration Detainer) pending his release from custody.

On May 2, 2008, the defendant was referred to the custody of United States Immigration and Customs Enforcement (ICE) at San Diego, California. A Deportation Officer conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been deported or removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed the defendant was most recently ordered deported or removed from the United States by an Immigration Judge on or about December 22, 1997, and removed on January 28, 1998, via the Calexico, California Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Juan Arturo Ortuno-Ocampo, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

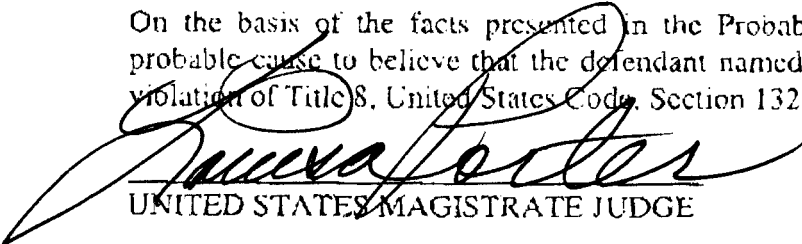
Based upon the foregoing information, there is probable cause to believe that Juan Arturo ORTURNO-Ocampo, (aka: Alberto VERGARA), has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, "Deported Alien Found in the United States."

EXECUTED ON THIS **2nd** DAY OF May 2008, AT 5:30 PM.



Jesus Robles
Deportation Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on **May 2, 2008**, in violation of Title 8, United States Code, Section 1326.



UNITED STATES MAGISTRATE JUDGE

5/3/08 **12:15 PM**
DATE / TIME